

# The Gazette of India

EXTRAORDINARY

PART II—Section 4

PUBLISHED BY AUTHORITY

---

No. 4] NEW DELHI, MONDAY, OCTOBER 5, 1959/ASVINA 13, 1881

---

MINISTRY OF DEFENCE

(Navy Branch)

*New Delhi, the 5th October 1959*

IN THE MATTER OF THE CHARITABLE ENDOWMENTS ACT, 1890

AND

IN THE MATTER OF THE NAVAL OFFICERS' CONTRIBUTORY EDUCATION FUND

**S.R.O. No. 12-E, dated 1st October, 1959.**—Whereas the Deputy Chief of Naval Staff, Indian Navy, acting in the administration of the Fund mentioned above and as the person who proposes to apply the Fund in trust for charitable objects has applied for vesting the Fund mentioned in Schedule 'A' hereto in the Treasurer of Charitable Endowments for India and for the settlement of a Scheme for the administration of the said Fund.

It is hereby notified that the Central Government in exercise of the powers conferred by sections 4 and 5 of the Charitable Endowments Act, 1890 (6 of 1890), and upon the application as aforesaid and with the concurrence of the said Deputy Chief of Naval Staff doth hereby order and direct that the moneys set out in Schedule 'A' hereto shall as from the publication of this notification vest and be henceforth vested in the Treasurer of Charitable Endowments for India to be held by him and his successors in office (subject to the provisions of the Charitable Endowments Act, 1890, and the rules from time to time to be framed thereunder by the Central Government) upon trust to hold the said moneys and the income thereof in accordance with the trusts and terms set out in the Scheme set forth.

And it is hereby further notified that the Scheme set forth below has, under sub-section (1) of section 5 of the said Act, been settled for the administration of the said endowment and under sub-section (3) of the said section 5 of the said Act, it is hereby further ordered that it shall come into force from the 1st October, 1959.

IN THE MATTER OF THE CHARITABLE ENDOWMENTS ACT, 1890

AND

IN THE MATTER OF THE NAVAL OFFICERS' CONTRIBUTORY EDUCATION FUND

*Scheme for the Administration of the Fund above mentioned*

**1. Definitions.**—Unless there is anything repugnant to the subject or context in the scheme,

- (a) "child", together with its grammatical variations, means a legitimate child, who has attained the age of 10 and has not attained the age of

17, and includes an adopted child if the Chairman of the General Committee is satisfied that under the personal law of the subscriber, the adoption is legally recognised.

NOTE.—A child of an officer who is in the custody of a divorced or separated wife/husband and whose maintenance is not being contributed by the subscriber to the Fund, will not be eligible for benefit.

- (b) "Fund" means the Naval Officers' Contributory Education Fund.
- (c) "Officer" means a permanent regular commissioned officer of the Navy, whether posted in India or abroad.
- (d) "Secretary/Treasurer" means Secretary/Treasurer of the fund.
- (e) "Year" means the financial year ending the 31st March.

2. **Objects.**—(1) The objects of the fund shall be to award scholarships to children of such officers and subject to such conditions as are specified in (2) below, who attend school or college, at the rate of Rs. 10 per month per child if a day scholar; and at the rate of Rs. 50 per month per child if a boarder; payable at the end of each quarter.

(2) The benefits referred to in clause (1) above will be payable to children of the following category of officers for the period indicated below:—

- (a) *Those who subscribe for less than 10 years.*—Benefit during service only.
- (b) *Those who subscribe for 10 years or more but less than 24 years and retire.*—Benefit during service, to be extended for 3 years after retirement if they subscribe at the rate of Rs. 10/- per month for 3 years after retirement.
- (c) *Those who subscribe for 24 years or more and retire, or die after retirement.*—Benefit during the service, and after retirement or death.
- (d) *Those who die in service or are invalided out of service.*—Benefit during service and after death or invalidment.

NOTE.—No benefit will be allowed in the case of officers dismissed or discharged from the service, or permitted to resign.

3. **Assets of the Fund.**—In addition to the moneys particulars whereof are given in Schedule 'A' hereto, the assets of the fund shall include compulsory monthly subscriptions from all serving permanent regular commissioned officers of the Indian Navy, payable in accordance with the regulation in force, grants from Government as well as donations and voluntary endowments whenever given or received.

4. **Subscription by Officers.**—Every serving permanent regular commissioned Officer of the Navy, irrespective of his rank, shall pay a uniform rate of monthly subscription of Rs. 5/-. Payment of subscription shall cease when the officer is dismissed with disgrace, dismissed or discharged from the Service or permitted to resign or retired from Service and also relinquishment of commission subject to the proviso contained in para 2(b) above in the case of retired officer. Contributions received will not be refunded.

5. **Collection of Subscription.**—Subscription at the rates mentioned above will be recovered monthly by the Supply Officer-in-Charge, Naval Pay Office, Bombay, from the pay and other emoluments due to an officer and where such recovery is not possible, the subscription will be collected by the Secretary/Treasurer of the fund direct.

6. **Remittance of Subscription.**—The amount of subscription collected by the said Supply Officer-in-Charge, shall be credited through the Controller of Defence Accounts (Navy), Bombay, monthly to the Naval Officers' Contributory Education Fund accounts kept in the State Bank of India or any other Scheduled bank approved in this behalf by the Central Government. Such credit shall be notified by the Controller of Defence Accounts (Navy), Bombay to the Secretary/Treasurer of the fund. A nominal roll showing the Account number, rank and name of the officer, and the amount recovered from him, will be forwarded by the Supply Officer-in-Charge, Naval Pay Office, Bombay, to the Secretary/Treasurer of the Fund.

**7. Vesting of Assets.**—The assets of the fund including those particulars whereof are set out in Schedule 'A' hereto shall be vested in the Treasurer of Charitable Endowments for India under the Scheme.

**8. General Committee.**—For the management and administration of the fund a general committee shall be constituted consisting of persons who for the time being are holders of the following appointments:—

- (a) Deputy Chief of the Naval Staff.
- (b) Chief of Personnel.
- (c) Director of Personal Services.
- (d) Judge Advocate General of the Navy.
- (e) Director of Supply Branch.
- (f) Director of Naval Education.
- (g) Deputy Director of Personal Services (Service Conditions).
- (h) Secretary/Treasurer.

**9. Chairman and Vice-Chairman.**—The Deputy Chief of Naval Staff and the Chief of Personnel (Navy) shall respectively be the *ex-officio* Chairman and Vice-Chairman of the general committee.

**10. Provision regarding the Members of the General Committee.**

- (i) When a person becomes a member of the general committee by reason of the office or appointment he holds, his membership shall terminate when he ceases to hold that office or appointment.
- (ii) Subject to the preceding clause, a member of the general committee shall cease to be such member if he dies, resigns, becomes of unsound mind, becomes insolvent, is convicted of a criminal offence involving moral turpitude, or is removed by the Central Government or is transferred from Naval Headquarters.
- (iii) A resignation of membership shall be tendered to the Chairman of the general committee and shall not take effect until it is accepted on behalf of the committee by the Chairman.
- (iv) Any vacancy in the general committee caused by any of the reasons mentioned in the above sub-clauses shall be filled by nomination, appointment or otherwise as circumstances of the case may require.
- (v) Subject to the above, the appointment to the general committee, the mode of their appointment, their tenure of office and other matters of, and incidental thereto, shall be determined by bye-laws framed in respect of the same.

**11. Conduct of Business.**—The general committee may meet together for the conduct of business, adjourn and otherwise regulate its meetings and proceedings as may be determined by the bye-laws. Unless otherwise determined, the quorum for a meeting of the general committee shall be three members personally present at the meeting. A meeting of the general committee at which a quorum is present shall be competent to exercise all or any of the functions of the committee. Every matter shall be determined by a majority of votes of the members present and voting on the question. The Secretary/Treasurer shall have no right to vote. In case of equality of votes, the matter shall be decided according to the vote of the Chairman.

**12. Management of the Fund.**—Subject to any general or special directions given by the Central Government, the general management of the affairs of the fund shall be vested in and rest with the general committee.

**13. Functioning by General Committee.**—The General Committee shall function notwithstanding that any person who is entitled to be a member by reason of his office is not a member for the time being and notwithstanding any other vacancy in the general committee and no act or proceeding of the general committee shall be invalid merely by reason of the happening of any of the above events or of any defects in the appointment of any member of the general committee.

**14. Appointment of Staff.**—A competent Secretary/Treasurer and such other officers and staff as the general committee may consider necessary, shall be appointed by the general committee and their remuneration and terms of appointment shall be fixed by that committee. The expenditure on the officers and staff shall be met from the fund.

**15. Framing of Bye-Laws.**—The general committee may make bye-laws for the regulation, management and any other purpose connected with the execution of the fund and the trusts thereof and may alter, vary or rescind the same from time to time.

**16. Appointment of Committees.**—The general committee may appoint one or more committees as may be considered necessary.

**17. Delegation of Powers.**—The general committee may delegate any of its powers to any committee so appointed or the secretary/treasurer. The general committee or any other committee may also delegate any power to one or more of its members so far as such delegation relates, in the opinion of the general committee or such other committee, as the case may be, to merely ministerial acts and involves no discretion or is necessary and conformable to common usage.

**18. Members of the General Committee not entitled to remuneration.**—Members of the general committee or any other committee appointed as aforesaid other than the Secretary/Treasurer of the general committee or such other committee shall not be entitled to any remuneration, but shall be entitled to the benefits under the fund if applicable and to be reimbursed their actual travelling expenses in respect of journeys to attend the meetings of the general committee or other committee or journeys undertaken by them for the purposes of the fund.

**19. Deposit of Moneys.**—All moneys received from the subscribers or other sources shall be deposited in one or more accounts at the State Bank of India or any other scheduled bank approved in this behalf by the Central Government.

**20. Accounts and Audit.**—Regular accounts shall be kept of all moneys and properties belonging to the fund and shall be audited by a firm of chartered accountants or any other recognised auditor as may be appointed by the general committee. The auditor shall also certify that the expenditure from the fund has been correctly incurred in accordance with the objects of the fund. Copies of the annual accounts of the fund duly audited and certified by the auditor of the fund shall be submitted to the Government every year.

**21. Contracts.**—All contracts relating to the administration of the fund shall be executed in the name of the general committee of the fund and by either the Chairman or the Vice-Chairman and shall also be signed by the Secretary/Treasurer of the Fund.

**22. Use of the Fund.**—It shall be lawful for the general committee to expend the moneys in the fund for the objects of the fund as mentioned above.

**23. Sale and Investment of moneys.**—It shall be lawful for the general committee to direct the Treasurer of Charitable Endowments for India to sell or otherwise dispose of any property of the fund vested in him and to invest the proceeds of the sale or other disposal of the property as well as any moneys or property not immediately required to be used for the objects of the fund in any one or more of the modes of investment for the time being authorised by law for the investment of trust moneys as the general committee may think proper.

**24. Receipt of Additional Endowments.**—The general committee may receive any additional endowments, donations or other contributions in augmentation of any of the moneys and properties of the fund or for general purposes of the fund. It may also receive endowments, donations or other contributions for any special purpose connected with this scheme not inconsistent with or calculated to impede the due working of the provisions of this scheme.

#### SCHEDULE "A"

A cash endowment of Rs. 25,000/- from the Indian Navy Amenities Fund deposited in current account with the State Bank of India, New Delhi.

O. PULLA REDDY, Secy.